

## Chapter 6: Notice and Time Requirements in Delinquency Proceedings

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### In this chapter. . .

This chapter discusses the general requirements for issuing and serving summonses and notices of hearings in juvenile delinquency proceedings. The chapter also contains a table that outlines time and notice requirements for specified hearings in delinquency proceedings.

For time and notice requirements in other proceedings involving juveniles, see Section 15.24 (minor personal protection order proceedings), Section 17.23 (designated case proceedings), and Section 20.10 (“automatic waiver” proceedings).

**Note on court rules.** On February 4, 2003, the Michigan Supreme Court approved extensive amendments to Subchapter 5.900 of the Michigan Court Rules, which govern delinquency, minor PPO, designated case, and “traditional waiver” proceedings, and to Subchapter 6.900, which govern “automatic waiver” proceedings. Subchapter 5.900 was renumbered Subchapter 3.900. These rule amendments are effective May 1, 2003. Although not in effect on the publication date of this benchbook, the rule amendments have been included here. For the rules in effect prior to May 1, 2003, see the first edition of this benchbook, *Juvenile Justice Benchbook: Delinquency & Criminal Proceedings* (MJJ, 1998).

## 6.1 General Rules in Delinquency Proceedings

A summons is required for trials, and it must be personally served on the juvenile and parent or parents, guardian, or legal custodian having physical custody of the juvenile. MCR 3.920(B)(2)(a). Substituted service is appropriate in limited circumstances where personal service is impracticable or cannot be achieved. MCR 3.920(B)(4)(b)–(c).

A notice of hearing may be used to notify parties of all other proceedings. MCR 3.920(A)(1). After a party's first appearance before the court, subsequent notices of proceedings and pleadings shall be served on that party or, if the party has an attorney, on the attorney for the party. MCR 3.920(F).

"Judgments and orders may be served on a person by first class mail to the person's last known address." MCR 3.925(C).

## 6.2 Definitions of Parent, Guardian, and Legal Custodian

"Parent" means a minor's mother, father, or both. MCR 3.903(A)(17).  
 "'Legal Custodian' means an adult who has been given legal custody of a minor by order of a circuit court in Michigan or a comparable court of another state or who possesses a valid power of attorney given pursuant to MCL 700.5103 or a comparable statute of another state. MCR 3.903(A)(13).  
 "'Guardian' means a person appointed as guardian of a child by a Michigan court pursuant to MCL 700.5204 or 700.5205, by a court of another state under a comparable statutory provision, or by parental or testamentary appointment as provided in MCL 700.5202." MCR 3.903(A)(11).

**Definition of "father."** For purposes of delinquency proceedings, a "father" is a man:

- Married to the mother at any time from a minor's conception to the minor's birth unless a court has determined after notice and a hearing that the child was conceived or born during a marriage but is not the issue of that marriage. MCR 3.903(A)(7)(a) and *In re Montgomery*, 185 Mich App 341, 343 (1990);
- Who legally adopts the minor. MCR 3.903(A)(7)(b);

- Who by order of filiation or by judgment of paternity is judicially determined to be the father of the minor, MCR 3.920(A)(7)(c);
- Who is judicially determined to have parental rights. MCR 3.903(A)(7)(d); or
- Whose paternity is established by the completion and filing of an acknowledgement of parentage in accordance with the provisions of the Acknowledgement of Parentage Act, MCL 722.1001 et seq., or a previously applicable procedure. For an acknowledgement under the Acknowledgement of Parentage Act, the man and mother must each sign the acknowledgement of parentage before a notary public appointed in this state. The acknowledgement shall be filed at either the time of birth or another time during the child's lifetime with the state registrar, MCR 3.903(A)(7)(e).

**Establishing paternity.** MCR 3.921(C) states that “[i]f, at any time during the pendency of a proceeding, the court determines that the minor has no father as defined in MCR 3.903(A)(7), the court may, in its discretion, take appropriate action as described in this subrule.” Form JC 04 (Petition) contains a check box to identify a person as a putative father. Under MCR 3.921(C), the court may take initial testimony on the tentative identity and address of the natural father. If the court finds probable cause to believe that an identifiable person is the natural father of the minor, the court must direct that notice be served on that person “in any manner reasonably calculated to provide notice to the putative father, including publication if his whereabouts remain unknown after diligent inquiry. Any notice by publication must not include the name of the putative father. If the court finds that the identity of the natural father is unknown, the court shall direct that the unknown father be given notice by publication”. MCR 3.921(C)(1). See, generally, *In re Mayfield*, 198 Mich App 226 (1993).

The required notice\* must include the following information:

“(a) if known, the name of the child, the name of the child's mother, and the date and place of birth of the child;

“(b) that a petition has been filed with the court;

“(c) the time and place of hearing at which the natural father is to appear to express his interest, if any, in the minor; and

“(d) a statement that failure to attend the hearing will constitute a denial of interest in the minor, a waiver of notice for all subsequent hearings, a waiver of a right to appointment of an attorney, and could result in

\*See SCAO Form JC 53, which includes this required notice.

termination of any parental rights.” MCR 3.921(C)(1)(a)–(d).

After notice to the putative father, the court may conduct a hearing to determine whether appropriate notice has been given, and whether the putative father is the natural father of the child. MCR 3.921(C)(2).

The court may determine that a preponderance of the evidence establishes that the putative father is the natural father of the minor and justice requires that he be allowed 14 days to establish his relationship according to MCR 3.903(A)(7). The court may extend the 14-day period for good cause shown. MCR 3.921(C)(2)(b).

If the court determines that there is probable cause to believe that another identifiable person is the natural father of the minor, the court must proceed in accordance with MCR 3.921(C). MCR 3.921(C)(2)(c).

If, after diligent inquiry, the identity of the natural father cannot be determined, the court may proceed without further notice and without appointing an attorney for the unidentified person. MCR 3.921(C)(2)(d).

MCR 3.921(C)(3) states that “[t]he court may find that the natural father waives all rights to further notice, including the right to notice of termination of parental rights, and the right to an attorney if:

“(a) he fails to appear after proper notice, or

(b) he appears, but fails to establish paternity within the time set by the court.”

*In re CAW*, \_\_\_ Mich App \_\_\_ (2002), lv gtd \_\_\_ Mich \_\_\_ (2002), involved a married couple, Deborah Weber and Robert Rivard, and their children. One of the children, CAW, was conceived and born during the marriage, but the identity of CAW’s natural father was unknown. Both Weber and Rivard testified that CAW may not be the biological child of Rivard and that a man outside of the marriage, the appellant, may be CAW’s father. After the parental rights of both Weber and Rivard were terminated, appellant filed a motion to intervene based upon his belief that he was CAW’s biological father. The trial court denied the motion indicating that appellant had no standing to intervene.

The Court of Appeals held that although appellant would not have standing to pursue paternity under the Paternity Act, MCL 722.714 et seq., he did have standing to seek to establish paternity during the pendency of a child protective proceeding, pursuant to MCR 5.903(A)(1). The Court stated:

“The definition of ‘child born out of wedlock’ in MCR 5.903(A)(1) is less restrictive than that under the Paternity Act or the probate code. Our courts have

established that under the Paternity Act, there must have been a prior determination that a child was not the issue of a marriage for a putative father to have standing to establish paternity. *Girard [v Wagenmaker]*, 437 Mich 231, 242-243 (1991)]. However, MCR 5.903(A)(1) uses the language, ‘a child determined by judicial notice or otherwise.’ Although the difference is subtle, we find it distinct. MCR 5.921 allows the court to determine the identity of a putative father during the pendency of a protective proceeding if the court *at any time during the pendency* of the proceedings determines that the child has no father as defined by the court rules. Reading MCR 5.921 in conjunction with MCR 5.903 under the authority of *Montgomery, supra*, we find that during child protective proceedings, the court can determine the child to be born out of wedlock and then take appropriate steps to determine the identity and rights of the biological father.”

The Court of Appeals reversed the trial court, concluding that appellant has standing to intervene in this case and should be given the opportunity to establish his paternity. *Id.* at \_\_\_\_\_. However, the Court cautioned “this should not be interpreted to mean that appellant is entitled to any rights over the child. We find only that appellant should be given the opportunity to establish his paternity. If appellant establishes that he is the child’s biological father, his fitness must then be tested.” *Id.* at \_\_\_\_\_.

### 6.3 Persons Entitled to Notice in Delinquency Proceedings

MCR 3.921(A)(1) contains a list of the persons who must be notified of each hearing in a delinquency proceeding. This provision states as follows:

“(1) General. In a delinquency proceeding, the court shall direct that the following persons be notified of each hearing except as provided in subrule (A)(3):

- (a) the juvenile,
- (b) the custodial parents, guardian, or legal custodian of the juvenile,
- (c) the noncustodial parent who has requested notice at a hearing or in writing,
- (d) the guardian ad litem or lawyer-guardian ad litem of a juvenile appointed pursuant to these rules,

(e) the attorney retained or appointed to represent the juvenile, and

(f) the prosecuting attorney.”

MCR 3.921(A)(2) requires the petitioner to be notified of the first hearing on the petition. However, if the petitioner is the prosecuting attorney, he or she must be notified of each hearing pursuant to MCR 3.921(A)(1)(f).

A parent without physical custody of the juvenile and whose parental rights have not been terminated must be notified of the first hearing on the formal calendar, unless that parent’s whereabouts are unknown. MCR 3.921(A)(3). MCR 3.903(A)(10) defines formal calendar as judicial proceedings other than a delinquency proceeding on the consent calendar, a preliminary inquiry, or a preliminary hearing of a delinquency proceeding.

## **6.4 Special Notice Provisions for Noncustodial Parents**

MCL 712A.12 allows a court to issue a summons requiring a person with custody of a juvenile to bring the juvenile before the court for a hearing. This statute also states that “[i]f the person so summoned shall be other than the parent or guardian of the child, then the parents or guardian, or both, shall also be notified of the petition and of the time and place appointed for the hearing thereon, by personal service before the hearing . . . .” A noncustodial parent must be personally served with notice of the hearing and a copy of the petition. See *In re Miller*, 182 Mich App 70, 73 (1990).

Under MCR 3.920(B)(2)(a), a noncustodial parent must be notified as provided in MCR 3.920(C), unless that parent’s whereabouts remain unknown after a diligent search. MCR 3.920(C) requires a notice of hearing to be given in writing or on the record at least seven days before the hearing. If a juvenile is detained, notice of a preliminary hearing must be given as soon as the hearing is scheduled, and the notice may be in person, in writing, on the record, or by telephone. MCR 3.920(C)(2)(a).

## **6.5 Issuance and Service of Summons**

MCL 712A.12 states in relevant part as follows:

“After a petition shall have been filed and after such further investigation as the court may direct, . . . the court may dismiss said petition or may issue a summons reciting briefly the substance of the petition, and requiring the person or persons who have the custody or control of the child, or with whom the child may be, to appear personally and bring the child before the court at a time and place stated . . . . If the person so summoned

shall be other than the parent or guardian of the child, then the parents or guardian, or both, shall also be notified of the petition and of the time and place appointed for the hearing thereon, by personal service before the hearing, except as hereinafter provided. Summons may be issued requiring the appearance of any other person whose presence, in the opinion of the judge, is necessary.

“Any interested party who shall voluntarily appear in said proceedings, may, by writing, waive service of process or notice of hearing.”\*

\*See Section 6.8, below, for the requirements to waive service of process or notice of hearing.

The statutory requirements for issuance and service of summonses to parents with custody, or notice of the petition and the time and place of a hearing to a noncustodial parent, are jurisdictional, which means that if they are not fulfilled, an appellate court may declare all proceedings in a case void. *In re Brown*, 149 Mich App 529, 534–42 (1986). See also *In re Andeson*, 155 Mich App 615, 618–19 (1986) (proceedings were not void, where parent was properly served with summons prior to adjudicative hearing, the hearing was adjourned, and parent was later mailed a notice of hearing but failed to appear).

A summons may be issued and served on a party (petitioner and juvenile) before any proceeding in juvenile court. MCR 3.920(B)(1). The court shall direct the service of a summons in the following circumstances:

“(a) In a delinquency proceeding, a summons must be served on the parent or parents, guardian, or legal custodian having physical custody of the juvenile, directing such person to appear with the juvenile for trial. The juvenile must also be served with a summons to appear for trial. . . .”

## A. Contents of Summons

MCR 3.920(B)(3)(a), (b), and (d) require\* a summons to direct the person to whom it is addressed to appear with the minor at a time and place specified by the court and to:

- identify the nature of the hearing;
- explain the right to an attorney and to a trial by a judge or jury; and
- have a copy of the petition attached to it.

\*SCAO Form JC 20 may be used to meet these requirements.

## B. Manner of Service of Summons

MCL 712A.13 states in relevant part:

“Service of summons may be made anywhere in the state personally by the delivery of true copies thereof to the persons summoned: Provided, That if the judge is satisfied that it is impracticable to serve personally such summons or the notice provided for in [MCL 712A.12], he may order service by registered mail addressed to their last known addresses, or by publication thereof, or both, as he may direct. It shall be sufficient to confer jurisdiction if (1) personal service is effected at least 72 hours before the date of hearing; (2) registered mail is mailed at least 5 days before the date of hearing if within the state or 14 days if outside of the state; (3) publication is made once in some newspaper printed and circulated in the county in which said court is located at least 1 week before the time fixed in the summons or notice for the hearing.

“Service of summons, notices or orders required by this chapter may be made by any peace officer or by any other suitable person designated by the judge. The judge may, in his discretion, authorize the payment of necessary traveling expenses incurred by any person summoned or otherwise required to appear at the time of hearing of any case coming within the provisions of this chapter, and such expenses and the expenses of making service as above provided, when approved by the judge, shall be paid by the county treasurer from the general fund of the county.

“If any person so summoned, as herein provided, shall fail without reasonable cause to appear before said court, he may be proceeded against for contempt of court and punished accordingly.”

In *In re Mayfield*, 198 Mich App 226, 230–31 (1993), the Court of Appeals noted that violations of statutory notice provisions constitute jurisdictional defects, while violation of court-rule requirements do not, as the jurisdiction of the “juvenile court” may be established by reference to statute and may not be expanded by court rule. The record in *Mayfield*, which involved a child protective proceeding, established that the trial court mailed notice of the adjudicative hearing and a copy of the petition, and notice of the dispositional hearing, to the putative father’s last-known address. Although these notices were returned marked “no such address,” the Court of Appeals held that the trial court satisfied requirements for substituted service under MCL 712A.13. The court had subject matter jurisdiction of the proceeding



and jurisdiction over the respondent mother (who had been personally served with a summons prior to trial). Therefore, the trial court's orders were not void. See also *In re Adair*, 191 Mich App 710, 713–15 (1991) (court failed to determine that reasonable efforts were made by petitioner to locate parent before using alternative method of service), and *Krueger v Williams*, 410 Mich 144 (1981) (motions for substituted service must show that personal service of process can not reasonably be made, that the substituted method of service is the best method available to provide notice, and should contain sufficient facts to allow the court to determine what specific efforts were made to serve process and why the substituted method should be used).

MCR 3.920(B)(4)(a)–(c) also discuss the manner of service:

“(a) Except as provided in subrule (B)(4)(b), a summons required under subrule (B)(2) shall be served by delivering the summons to the party personally.

“(b) If the court finds, on the basis of testimony or a motion and affidavit, that personal service of the summons is impracticable or cannot be achieved, the court may by ex parte order direct that it be served in any manner reasonably calculated to give notice of the proceedings and an opportunity to be heard, including publication.

“(c) If personal service of a summons is not required, the court may direct that it be served in a manner reasonably calculated to provide notice.”

SCAO Forms JC 12A and 12B may be used to establish proof of service or non-service. SCAO Forms 46 and 47 may be used to request and order substitute service.

### **C. Time Requirements for Service of Summons**

MCR 3.920(B)(5)(a)–(c) provide that:

- a summons must be personally served no later than seven days before trial or three days before a hearing;
- if the summons is served by registered mail, it must be mailed at least 14 days before trial or 10 days before hearing when the party to be served resides in Michigan, and at least 21 days before the trial and 17 days before the hearing if the party resides outside of Michigan; and
- if service is by publication, the published notice, which does not require publication of the petition itself, shall appear in a

newspaper in the county where the party resides if known, and if not, in the county where the action is pending, one or more times 14 days before trial or 7 days before a hearing.

MCL 712A.13 also contains certain time requirements for service of process, which differ from those contained in the court rule:

- personal service must be effected at least 72 hours before the date of a hearing;
- registered mail must be mailed at least five days before the date of hearing if the recipient is in-state and 14 days before the hearing if out-of-state; and
- publication must be made once in some newspaper printed and circulated in the county where the court is located at least one week before the time fixed in the summons or notice for the hearing.

Failure to meet the requirements of MCL 712A.13 may constitute a jurisdictional defect rendering the proceedings void. *In re Mayfield*, 198 Mich App 226, 230–31 (1993).

#### **D. Subsequent Notices After a Failure to Appear**

When persons whose whereabouts are unknown fail to appear in response to notice by publication or otherwise, the court need not give further notice by publication of subsequent hearings in delinquency proceedings. MCR 3.921(D).

### **6.6 Requirements for Valid Orders Directed to a Parent or Other Person**

\*See Sections 2.13, 11.2, and 11.3.

An order directed to a parent or other person shall not be binding unless the parent or other person has been given an opportunity for a hearing pursuant to the issuance and service of a summons or notice as provided in sections 12 and 13 of the Juvenile Code. MCL 712A.18(4). This rule is significant for purposes of collecting reimbursement of the costs of out-of-home care, and for other orders affecting adults pursuant to MCL 712A.6 and MCL 712A.6b.\*

### **6.7 Notices of Hearings**

MCR 3.920(C)(1) requires notices of hearings to be given in writing or on the record at least 7 days prior to the hearing. However, when a juvenile is detained, notice of preliminary hearing must be given to the juvenile and to the parent of the juvenile as soon as the hearing is scheduled, and the notice

may be in person, in writing, on the record, or by telephone. MCR 3.920(C)(2)(a).

When a party fails to appear in response to a notice of hearing, the court may order the party's appearance by summons or subpoena. MCR 3.920(C)(4).

## 6.8 Waiver of Notice of Hearing or Service of Process

If a party appears without having been properly served, that party may waive notice of hearing or service of process.\* A waiver may also be obtained when service of process was untimely. MCR 3.920(E) provides that the waiver must be in writing and the party must be advised as set forth in MCR 3.920(B)(3) of:

\*See SCAO  
Form JC 23.

- the nature of the hearing;
- the right to counsel, retained or appointed; and
- the right to trial by judge or jury.

MCR 3.920(G) allows for waiver of defects in service by the appearance of a party and the party's participation in the proceedings. This rule states:

**“(G) Notice Defects.** The appearance and participation of a party at a hearing is a waiver by that party of defects in service with respect to that hearing unless objections regarding the specific defect are placed on the record. If a party appears or participates without an attorney, the court shall advise the party that the appearance and participation waives notice defects, and of the party's right to seek an attorney.”

## 6.9 Subpoenas

MCR 3.920(D)(1)–(3) state that:

“(1) The attorney for a party or the court on its own motion may cause a subpoena to be served upon a person whose testimony or appearance is desired.

“(2) It is not necessary to tender advance fees to the person served a subpoena in order to compel attendance.

“(3) Except as otherwise stated in this subrule, service of a subpoena is to be as provided by MCR 2.506.”

## **6.10 Subsequent Notices After First Appearance in Family Division**

After a party's first appearance before the court, subsequent notices of proceedings and pleadings shall be served on that party or, if the party has an attorney, on the attorney for the party. Also, a summons must be served before trial. MCR 3.920(F).

## **6.11 Proof of Service**

MCR 3.920(H) provides for proof of service of a summons and other papers. That rule states:

“(1) *Summons*. Proof of service of a summons must be made in the manner provided in MCR 2.104(A).

“(2) *Other Papers*. Proof of service of other papers permitted or required to be served under these rules must be made in the manner provided in MCR 2.107(D).

“(3) *Publication*. If the manner of service used involves publication, proof of service must be made in the manner provided in MCR 2.106(G)(1), and (G)(3) if the publication is accompanied by a mailing.

“(4) *Content*. The proof of service must identify the papers served.

“(5) *Failure to File*. Failure to file proof of service does not affect the validity of the service.”

## **6.12 Table of Time and Notice Requirements in Delinquency Cases**

The following table contains time and notice requirements, with cross-references to the relevant authorities and appropriate sections of this benchbook for more complete discussion. For waiver of notice

requirements, see Section 6.8, above. To compute time periods, see MCR 1.108. For court holidays, see MCR 8.110(D).

<b>Type of Proceeding</b>	<b>Time and Notice Requirements</b>	<b>Authorities and Cross-References</b>
<b>Preliminary Inquiry</b>	<p>May be conducted at any time. Except as stated below, no notice to parties is required.</p> <p>If the alleged offense falls under the Crime Victim's Rights Act, the court must give written notice to the prosecuting attorney of the court's intent to remove the case from the adjudicative process. The prosecuting attorney must notify victim(s).</p>	<p>MCL 712A.11(1) and MCR 3.932(A). <b>See Section 4.2</b></p> <p>MCL 780.786b and 3.932(B). <b>See Section 4.3</b></p>
<b>Diversion Conference</b>	<p>The Juvenile Diversion Act may be used prior to the authorization of a petition. Law enforcement official or court intake worker must notify minor and his or her parent, guardian, or custodian of the time and place of a proposed diversion conference. If no diversion agreement is reached during the conference, a petition may be filed within 30 days of the conference.</p> <p>If the alleged offense falls under the Crime Victim's Rights Act, the court must give written notice to the prosecuting attorney of the court's intent to remove the case from the adjudicative process. The prosecuting attorney must notify victim(s).</p>	<p>MCL 722.823(1) and MCL 722.825(1) and (4). <b>See Section 4.4</b></p> <p>MCL 780.786b. <b>See Section 4.3</b></p>
<b>Consent Calendar Proceeding</b>	<p>With the consent of the juvenile and parent, guardian, or legal custodian, the consent calendar may be used following receipt of a citation or petition. No formal notice to the parties is required.</p> <p>If the alleged offense falls under the Crime Victim's Rights Act, the court must give written notice to the prosecuting attorney of the court's intent to remove the case from the adjudicative process. The prosecuting attorney must notify victim(s).</p>	<p>MCR 3.932(C). <b>See Section 4.5</b></p> <p>MCL 780.786b. <b>See Section 4.3</b></p>

Type of Proceeding	Time and Notice Requirements	Authorities and Cross-References
<b>Preliminary Hearing (When Juvenile Is in Custody)</b>	<p>If juvenile is in custody, hearing must be held within 24 hours, excluding Sundays and holidays. As soon as hearing is scheduled, notice must be given in person, on record, or by phone to juvenile and his or her parent.</p> <p>Hearing may be adjourned for up to 14 days to secure attendance of juvenile's parent or witnesses, or for other good cause shown.</p> <p>Hearing may be adjourned up to 5 days if juvenile is charged with a specified juvenile violation.</p>	<p>MCR 3.935(A)(1) and 3.920(C)(2)(a). <b>See Section 5.9</b></p> <p>MCR 3.935(A)(2). <b>See Section 5.9</b></p> <p>MCR 3.935(A)(3). <b>See Section 3.6</b></p>
<b>Preliminary Hearing (When Juvenile Is Not in Custody)</b>	<p>If juvenile is not in custody, there is no time requirement. However, at least 7 days' notice in writing or on record must be given to juvenile, custodial parent, guardian, legal custodian, noncustodial parent who has requested notice at a hearing or in writing, guardian ad litem, attorney for juvenile, prosecuting attorney, and petitioner.</p>	<p>MCR 3.920(C)(1) and 3.921(A)(1). <b>See Sections 5.9, 6.3 and 6.7</b></p>
<b>Motion to Amend Petition to Designate Case or Request Court to Designate Case for Criminal Trial in Family Division</b>	<p>Prosecutor may amend the petition by right during the preliminary hearing, or by leave of court no later than a pretrial hearing. If no pretrial hearing is held, prosecutor may request leave to amend no later than 21 days before trial, absent good cause for further delay. Court may allow amendment in interest of justice.</p> <p>If a hearing is required, 7 days' written or record notice to juvenile, custodial parent, guardian, legal custodian, noncustodial parent who has requested notice at a hearing or in writing, guardian ad litem, attorney for juvenile, prosecuting attorney, and petitioner.</p>	<p>MCR 3.951(A)(3) and 3.951(B)(3). <b>See Section 5.5</b></p> <p>MCR 3.920(C)(1) and 3.921(A)(1). <b>See Sections 6.3 and 6.7</b></p>

Type of Proceeding	Time and Notice Requirements	Authorities and Cross-References
<b>Designation Hearings</b>	<p>Hearing must be commenced within 14 days after arraignment, unless adjourned for good cause.</p> <p>7 days' notice of the time, date, and place of hearing may be given orally on record to juvenile and his or her parent, guardian, or legal custodian, the juvenile's attorney, and the prosecutor, or in writing, served on each individual by mail or other manner reasonably calculated to provide notice.</p> <p>The petition, or a copy of the petition, and a separate request for court designation must be personally served on juvenile, and if address or whereabouts known or discoverable by due diligence, parent, guardian, or legal custodian.</p>	<p>MCR 3.952(A). <b>See Section 17.10(B)</b></p> <p>MCR 3.952(B)(2) and 3.920(C)(1). <b>See Section 17.10(B)</b></p> <p>MCR 3.952(B)(1). <b>See Section 17.10(B)</b></p>
<b>Motion for "Traditional" Waiver</b>	<p>Motion must be filed within 14 days after petition is authorized to be filed. Absent timely motion or good cause shown, juvenile is no longer subject to waiver on the charges.</p> <p>A copy of motion must be personally served on the juvenile and his or her parent, if their addresses or whereabouts are known or can be determined by the exercise of due diligence.</p>	<p>MCR 3.950(C)(1). <b>See Section 16.4</b></p> <p>MCR 3.950(C)(2). <b>See Section 16.5</b></p>
<b>First Phase of "Traditional" Waiver Hearing</b>	<p>Hearing must be commenced within 28 days after petition is filed unless adjourned for good cause.</p> <p>7 days' notice of the time, date, and place of hearing must be given. Notice may be given on the record directly to the juvenile or to the juvenile's attorney, the prosecuting attorney, and all other parties, or in writing, served on each individual.</p>	<p>MCR 3.950(D)(1)(a). <b>See Section 16.11</b></p> <p>MCR 3.950(D) and 3.920(C)(1). <b>See Sections 16.8 and 6.7</b></p>

Type of Proceeding	Time and Notice Requirements	Authorities and Cross-References
<b>Second Phase of “Traditional” Waiver Hearing</b>	<p>Hearing must be commenced within 28 days after conclusion of first phase, or 35 days after petition is filed if no first-phase hearing was held, unless adjourned for good cause.</p> <p>7 days’ notice of the time, date, and place of hearing must be given. Notice may be given on the record directly to the juvenile or to the juvenile’s attorney, the prosecuting attorney, and all other parties, or in writing, served on each individual.</p>	<p>MCR 3.950(D)(2)(b). <b>See Section 16.15</b></p> <p>MCR 3.950(D) and 3.920(C)(1). <b>See Section 6.7</b></p>
<b>Trial After Motion for “Traditional” Waiver Denied</b>	<p>If trial has not started within 28 days after motion for waiver is denied and the delay is not attributable to the defense, juvenile must be released unless he or she is being detained on another matter.</p>	<p>MCR 3.950(F). <b>See Section 16.21</b></p>
<b>Demand for Jury Trial</b>	<p>Written demand for jury trial shall be filed within 14 days after court gives notice of the right to jury trial or 14 days after the filing of an appearance by an attorney, whichever is later, but no later than 21 days before trial. The court may excuse a late filing in the interest of justice.</p>	<p>MCR 3.911(B). <b>See Section 7.10</b></p>
<b>Demand for Trial by Judge (Rather Than Referee)</b>	<p>Written demand for trial by judge rather than referee shall be filed within 14 days after court gives notice of the right to trial by a judge or 14 days after the filing of an appearance by an attorney, whichever is later, but no later than 21 days before trial. The court may excuse a late filing in the interest of justice.</p>	<p>MCR 3.912(B). <b>See Section 7.10</b></p>



Type of Proceeding	Time and Notice Requirements	Authorities and Cross-References
<b>Notice of Alibi or Insanity Defenses and Notice of Rebuttal by Prosecuting Attorney</b>	<p>Written notice of juvenile's intent to rely on defense must be given to the court and prosecutor within 21 days after notice of the trial date has been given to juvenile, but no later than 7 days before trial.</p> <p>Written notice of the prosecutor's intent to rebut defense must be given to the court and juvenile within 7 days after receipt of notice of defense, but no later than 2 days before trial.</p>	<p>MCR 3.922(B)(1). <b>See Section 7.9</b></p> <p>MCR 3.922(B)(2). <b>See Section 7.9</b></p>
<b>Motions to Suppress Evidence</b>	<p>Personal service of motion must be made at least 7 days before hearing, and of the response at least 3 days before hearing. If service is by mail, add 2 days to these deadlines. For good cause, court may set different periods for filing and serving motions.</p> <p>If a hearing is held, at least 7 days' notice in writing or on record must be given to juvenile, custodial parent, guardian, legal custodian, noncustodial parent who has requested notice at a hearing or in writing, guardian ad litem, attorney for juvenile, prosecuting attorney, and petitioner.</p>	<p>MCR 3.922(C), 3.920(C)(1), and 2.119(C). <b>See Sections 6.7 and 7.3</b></p> <p>MCR 3.920(C)(1) and 3.921(A)(1). <b>See Sections 6.3 and 6.7</b></p>
<b>Trials</b>	<p>In all cases, trial must be held within 6 months after filing of the petition, unless adjourned for good cause. If juvenile is detained, trial has not commenced within 63 days after juvenile was taken into custody, and the delay is not attributable to the defense, juvenile must be released without bail pending trial unless he or she is being held on another matter.</p> <p>At least 7 days' notice in writing or on record must be given to juvenile, custodial parent or guardian, legal custodian, noncustodial parent who has requested notice at a hearing or in writing, guardian ad litem, attorney for juvenile, prosecuting attorney, and petitioner.</p>	<p>MCR 3.942(A). <b>See Section 7.11</b></p> <p>MCR 3.920(C)(1) and 3.921(A)(1). <b>See Sections 6.3 and 6.7</b></p>

Type of Proceeding	Time and Notice Requirements	Authorities and Cross-References
<b>Trials, cont.</b>	<p>The court must direct service of summons on juvenile and his or her parent or the person with whom juvenile resides.</p> <p>Personal service is required at least 7 days before trial. If the court finds that personal service is impracticable or cannot be achieved, the court may direct service in any manner reasonably calculated to give notice of the proceedings and opportunity to be heard, including publication, sent at least 14 days before trial, or 21 days if the person is not a Michigan resident.</p>	<p>MCL 712A.12 and 3.920(B)(4)(a). <b>See Section 6.5</b></p> <p>MCR 3.920(B)(4) and 3.920(B)(5). <b>See Section 6.5</b></p>
<b>Rehearings or Motions for New Trial</b>	<p>Written motion must be filed within 21 days after the date of the order resulting from the hearing or trial. Court may entertain untimely motion for good cause shown. Written response must be filed with the court and parties within 7 days of motion.</p> <p>At least 7 days' notice in writing or on record must be given to juvenile, custodial parent, guardian, or legal custodian, noncustodial parent who has requested notice at a hearing or in writing, guardian ad litem, attorney for juvenile, prosecuting attorney, and petitioner.</p>	<p>MCR 3.992(A) and (C). <b>See Sections 9.15(B)</b></p> <p>MCR 3.920(C)(1) and 3.921(A)(1). <b>See Sections 6.3 and 6.7</b></p>
<b>Dispositions</b>	<p>The time between adjudication or plea and disposition is within the court's discretion. However, if juvenile is detained, disposition hearing must be held within 35 days after plea or trial, unless adjourned for good cause.</p> <p>At least 7 days' notice in writing or on record must be given to juvenile, custodial parent, guardian, or legal custodian, noncustodial parent who has requested notice at a hearing or in writing, guardian ad litem, attorney for juvenile, prosecuting attorney, and petitioner.</p>	<p>MCR 3.943(B). <b>See Section 10.2</b></p> <p>MCR 3.920(C)(1) and 3.921(A)(1). <b>See Sections 6.3 and 6.7</b></p>

Type of Proceeding	Time and Notice Requirements	Authorities and Cross-References
<b>Review of Referee's Recommended Findings and Conclusions</b>	<p>Request for review must be filed within 7 days after the inquiry or hearing or 7 days after issuance of referees' recommendations, whichever is later, and served on interested parties, and a response may be filed within 7 days after the filing of the request for review.</p> <p>Absent good cause for delay, the judge must consider the request within 21 days after it is filed if juvenile is in placement or detention.</p>	<p>MCR 3.991(B)(3), 3.991(B)(4), and 3.991(C). <b>See Section 12.7</b></p> <p>MCR 3.991(D). <b>See Section 12.8</b></p>
<b>Dispositional Review Hearings When Juvenile Is in Out-of-Home Care</b>	<p>If juvenile is in out-of-home care, hearing must be held within 182 days after entry of the initial disposition order, and within every 182 days thereafter.</p> <p>7 days' written notice to agency, foster parent or custodian, parent, guardian, guardian ad litem, elected Indian tribe leader (if applicable), attorney, juvenile (if older than age 11), prosecutor, and other persons as court directs.</p>	<p>MCL 712A.19(2) and MCR 3.945(A)(2)(a). <b>See Section 14.5(A)</b></p> <p>MCL 712A.19(5). <b>See Section 14.5(A)</b></p>
<b>Annual Reviews for Juveniles Committed to Public Institutions or Agencies</b>	<p>Court must conduct an annual review of the services provided to the juvenile, the juvenile's placement, and the juvenile's progress in the placement.</p>	<p>MCL 712A.18c(3). <b>See Section 14.7</b></p>

Type of Proceeding	Time and Notice Requirements	Authorities and Cross-References
<b>Commitment Review Hearings for Juveniles Committed to Public Institutions or Agencies</b>	<p>Court must schedule and hold a hearing as near as possible to but before juvenile's 19th birthday, unless adjourned for good cause. If the court extends jurisdiction and the juvenile is placed outside the home, court must hold a dispositional review hearing every 182 days thereafter.</p> <p>Hearing may be held at any time on motion of institution, agency, or facility to which juvenile has been committed.</p> <p>Notice must be given to the prosecutor, agency or superintendent of institution or facility to which juvenile has been committed, juvenile, and juvenile's parent, guardian, or legal custodian (if address or whereabouts are known) at least 14 days prior to the hearing.</p>	<p>MCR 3.945(B)(1)(a) and 3.945(C)(1). <b>See Section 14.8(B)</b></p> <p>MCR 3.945(C)(2). <b>See Section 14.9</b></p> <p>MCR 3.945(B)(1)(b). <b>See Section 14.8(C)</b></p>
<b>Post-Disposition Detention Hearing Pending Return to Placement</b>	<p>If no new petition or probation violation petition is filed, court must hold a detention hearing within 48 hours after the juvenile is taken into custody, excluding Sundays and holidays.</p> <p>Notice of the hearing may be given to juvenile and his or her parent as soon as the hearing is scheduled, in person, in writing, on record, or by phone.</p>	<p>MCR 3.946(B). <b>See Section 10.10</b></p> <p>MCR 3.920(C)(2)(a). <b>See Sections 6.7 and 10.10</b></p>

Type of Proceeding	Time and Notice Requirements	Authorities and Cross-References
<b>Probation Violation Hearings</b>	<p>If juvenile denies the allegations, court must schedule hearing within 42 days after a detention hearing. If hearing is not commenced within 42 days and the delay is not attributable to the juvenile, juvenile must be released without bail.</p> <p>If the juvenile is not in custody, at least 7 days' notice in writing or on record must be given to juvenile, custodial parent or guardian, legal custodian, noncustodial parent who has requested notice at a hearing or in writing, guardian ad litem, attorney for juvenile, prosecuting attorney, and petitioner. A copy of the probation violation petition and notice of juvenile's rights must be provided.</p> <p>If the juvenile is detained, notice of the hearing may be given to juvenile and his or her parent as soon as the hearing is scheduled, in person, in writing, on record, or by phone. If the juvenile is detained, notice may be given to the custodial parent, guardian, or legal custodian.</p>	<p>MCR 3.944(B)(5)(b). <b>See Section 13.6</b></p> <p>MCR 3.944(A)(1)(a), 3.920(C)(1) and 3.921(A)(1). <b>See Sections 13.2, 6.3, and 6.7</b></p> <p>MCR 3.944(A)(2)(b). <b>See Section 13.2</b></p>